

Appl. No. 10/765,791
Amdt. Dated January 8, 2008
Reply to Office Action of November 27, 2007

REMARKS

A Request for Continued Examination has been included with this response. Accordingly, Applicants request the withdrawal of the finality of the last Office Action and request further consideration of the attached amended and new claims on the merits.

New claims 102 - 109 have been added in order to alternately define the invention as disclosed in the specification.

Without conceding the propriety of the Examiner's position, and solely to expedite prosecution, claims 50, 52 - 55, 57 - 59, 61 - 64, and 90 have been cancelled without prejudice or disclaimer. In light of these cancellations, Applicants submit that the Examiner's outstanding rejection under 35 U.S.C. §112 is moot.

Applicants respectfully request reconsideration of the Examiner's rejection of claims 92 - 101 under 35 U.S.C. §112. Applicants submit that these claims have been amended to recite a polishing and/or plating system, including the object to be polished and/or plated as a claim element. This claim language is entirely different from previously submitted claim 50, and is not indefinite as the object to be polished and/or plated is positively recited and included in the polishing and/or plating system. Accordingly, the Examiner's rejection under §112, second paragraph, is not supported and is irrelevant to claims 92 - 101, and should be withdrawn.

Applicants respectfully request reconsideration of the Examiner's rejection of claims 92 - 101 under 35 U.S.C. §102. The Examiner has rejected these claims in view of the cited reference of *Wang et al.* (U.S. Patent No. 6,447,668). The

Appl. No. 10/765,791
Amdt. Dated January 8, 2008
Reply to Office Action of November 27, 2007

Wang reference is directed to an apparatus for detecting an end-point of an electropolishing process of a metal layer formed on a wafer. (See the Abstract of the Invention). Applicants submit that the Wang reference fails to disclose each and every element of the claimed invention, as required by the Federal Courts. (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Specifically, Applicants note that the claims have been amended to require that the measuring means be a structure separate from the cathode and/or anode member and that the measuring means function to measure a thickness of the film on the object prior to beginning electropolishing and/or plating. Wang fails to disclose such a structure or function. Rather, Wang discloses that the cathode itself is used to determine a thickness of the film, and the thickness is detected during electropolishing, not prior to.

For at least this reason, Applicants submit that the Examiner’s rejection of claims 92 – 101 should be withdrawn, and these claims placed in condition for allowance.

Specifically regarding claims 94 and 97, Applicants submit that the Wang reference fails to disclose a measuring means or a calculating unit capable of determining a thickness or an amount of deposition prior to beginning electropolishing.

Appl. No. 10/765,791
Amdt. Dated January 8, 2008
Reply to Office Action of November 27, 2007

For at least this reason also, Applicants submit that the Examiner's rejection of claims 94 and 97 should be withdrawn, and these claims placed in condition for allowance.

Specifically regarding claims 98 and 99, Applicants submit that the Wang reference fails to disclose continuous movement of the cathode. Rather, Col. 37, lines 1 – 30 discloses a discontinuous move and polish, move and polish method. In contrast, and as shown in Fig.'s 6 and 16, Applicant's device allows for the cathode to always have a non-zero, positive speed that keeps the cathode moving across the surface.

For at least this reason also, Applicants submit that the Examiner's rejection of claims 98 and 99 should be withdrawn, and these claims placed in condition for allowance.

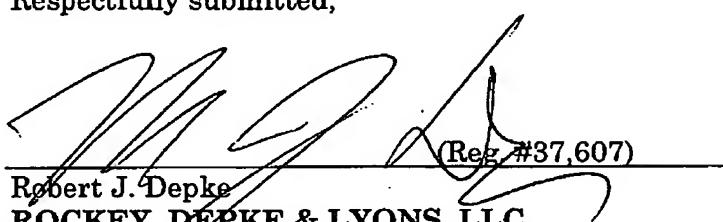
The Examiner's remaining references cited but not relied upon, considered either alone or in combination, also fail to teach applicant's currently claimed invention. In light of the foregoing, Applicants respectfully submit that all claims now stand in condition for allowance.

Appl. No. 10/765,791
Amdt. Dated January 8, 2008
Reply to Office Action of November 27, 2007

In the event that it is deemed necessary, the Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.

Respectfully submitted,

Date: 1/14/08


Robert J. Depke
ROCKEY, DEPKE & LYONS, LLC
Sears Tower, Suite 5450
Chicago, Illinois 60606-6306
Tel: (312) 277-2006
Attorneys for Applicant

(Rep. #37,607)